

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

UNANIMOUS CONSENT REQUEST— S. 3059

Mr. MCCAIN. Mr. President, I ask unanimous consent that it now be in order for the Senate to immediately turn to the consideration of S. 3059, and that only relevant amendments to the bill be in order.

Mr. STEVENS. I object.

Mr. MCCAIN. Mr. President, the reason I am objecting to taking up the Department of Transportation appropriations report is that it contains a substantive amendment to the Federal Motor Vehicle Safety Act. The legislation was never approved by either House or Senate commerce committees and failed in its attempts to correct indisputable faults with safety data collection and retention practices of the National Highway Traffic Safety Administration.

Well over 100 Americans have died, and estimates are that as many as 150 in other countries. This is a very serious safety issue in which American lives are at stake.

I am simply asking to take up this legislation. I will be glad to have any amendments and time agreements associated with it—anything that we can do to move this legislation along.

The House Commerce Committee yesterday passed similar legislation. We are told it will be passed on the floor of the House by next Tuesday.

Why we can't take up this bill, which is designed according to consumer organizations, according to the Secretary of Transportation, according to all outside observers and safety experts, to stop or at least take action to reduce the number of American lives that will be lost on the highways of the United States of America is really hard to understand.

Let me do the best I can to explain it.

What is happening here is the "fix is in." Here is the fix. The House will pass a bill. The Commerce Committee passed a bill, and the House will pass that bill this week.

We have a series of holds on this legislation which passed the Commerce Committee by a vote of 20-0 in a bipartisan fashion after getting testimony from experts from all over America, from the Secretary of Transportation, from the Acting Director of the National Highway Traffic Safety Administration, and others. That bill is now on the calendar. There are holds on the bill.

Here is the fix. The House will pass the bill. The Senate will refuse to take up the bill because of holds, and we will then pass—no matter how hard I try to

prevent it—the Department of Transportation appropriations safety report that contains simply language concerning what can be done about this issue.

I have taken the floor on many, many occasions to talk about the influence of special interests in Washington. The automotive industry is now blocking this legislation. The word is on the street. The "fix" is in that the bill will not pass the Senate, or pass the House so House Members can say we did what we needed to do.

You know what we are talking about here. We are talking about the lives of American citizens who are in danger as we speak. The special interests will now prevail over safety interests, where lives of Americans are literally at stake. Remarkable. Remarkable commentary. Remarkable.

I have a letter and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 5, 2000.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.
Hon. ERNEST HOLLINGS,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN AND SENATOR HOLLINGS: We are writing in support of your decision to halt the FY 2001 Department of Transportation appropriations bill pending Senate action on the Ford/Firestone amendments to the Motor Vehicle Safety Act. While we recognize that there are compelling reasons to support the appropriations bill—such as the new rule mandating that drunken driving blood alcohol levels be lowered to .08% nationwide—we feel it is imperative that Congress react with legislation to the Ford/Firestone tragedy before the close of this session.

Signed,

Bob and Laura Bishop, Bartlesville, OK; Geoffrey Coffin, Shelton, CT; Janette Fennell, San Francisco, CA; Vickie and Joe Hendricks, Corpus Christi, TX; Spence Hegener, Baylor University, Waco, TX; Pam Hegener, Lake Charles, LA; Juanita Sawyer, Tahlequah, OK; Robert C. Sanders, Upper Marlboro, MD; Spencer and Elizabeth Taintor, Miami, Florida; Sondra Runfeldt, West Palm Beach, FL; B.J. Kincade, Catoosa, OK; Shannon Johnson—Query, Jacksonville, FL.

Mr. MCCAIN. It reads:

DEAR SENATOR MCCAIN AND SENATOR HOLLINGS: We are writing in support of your decision to halt the FY 2001 Department of Transportation Appropriations bill pending Senate action on the Ford/Firestone amendments to the Motor Vehicle Safety Act. While we recognize that there are compelling reasons to support the appropriations bill—such as the new rule mandating that drunken driving blood alcohol levels be lowered to .08% nationwide—we feel it is imperative that Congress react with legislation to the Ford/Firestone tragedy before the close of this session.

Mr. President, this is signed by the relatives of people who have been killed in accidents because of the Bridgestone/Firestone problem. Can't we listen to the family members of those who have been killed on the high-

ways of America with a fixable problem, at least action that has been recommended unanimously that must be taken to prevent further tragedies on America's highways?

This is egregious. I don't think many American citizens would approve of the Senate blocking legislation which is designed to save lives.

There may be a couple of controversial aspects of this bill, although it passed out of the Commerce Committee unanimously. There may be a couple of controversial aspects of this bill. Fine, let's have amendments and time agreements. We can dispose of those controversial aspects of it in a matter of a few hours. I eagerly welcome such a thing. The Senator from Alaska has just objected to us taking up this legislation which we could dispose of in a few hours. The lives of American citizens are at stake here.

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. I will not.

Mr. STEVENS. For one moment for clarification on that.

Mr. MCCAIN. The Senator from Alaska has just objected to us moving forward with legislation which, in the view of any outside expert, has to do with American lives that are endangered on the highways of America due to a flaw in the Bridgestone/Firestone situation and/or Ford automobiles.

This is serious business. This is serious business. There has been a series of holds put on this bill. We now object to taking up this legislation in favor of an appropriations bill which has watered down language which is intended—at least in the view of some—to address part of the problem. It does not. Ask any safety expert. It does not.

As to the language that has been inserted in the conference bill, I guess we can all thank the advocates of safety for the provision that was in the bill that prevented the National Highway Traffic Safety Administration from addressing rollover accidents for a year until a National Academy of Sciences study was completed—again, the special interests.

I intend to do whatever I can to see this legislation is brought up before the Senate. I hope those Senators who have a hold on this bill will step forward and identify themselves. This isn't an ordinary piece of legislation. This is a piece of legislation that has to do with the lives of American citizens and those overseas. I don't know of a more compelling problem.

Mr. President, I rise in opposition to the Department of Transportation appropriations report that contains a substantive amendment to the Federal Motor Vehicle Safety Act. This legislation was never approved by either the House or Senate Commerce committees and it fails in its attempt to correct indisputable flaws with the safety-related data collection and retention practices of the National Highway Traffic Safety Administration.

The language contained in the appropriations report falls short of the mark

for many reasons, but for now, I will list only the key shortcomings. First, it fails to require manufacturers to collect and report essential safety-related information that would allow the Secretary to identify potential consumer-safety issues. Second, it fails to increase penalties for violations of the Federal Motor Vehicle Safety Act. And third, the language does not require NHTSA to upgrade the 30-year-old federal tire-safety standard.

Prompted by an August 9, 2000, announcement by Ford Motor Company and Bridgestone/Firestone to recall millions of potentially defective tires, the Senate Committee on Commerce, Science and Transportation held a September 12th hearing that was attended by the Secretary of Transportation, NHTSA's Acting Administrator, the parties involved in the recall, and several consumer groups. All who testified agreed that systemic changes were needed to make the processes of sharing safety-related information more efficient. In response, on September 15th, joined by my colleagues, Senators GORTON and SPECTER, I introduced S. 3059, the "Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act." This bill would dramatically amend the current law by ensuring NHTSA's possession of critical information regarding motor vehicles and motor vehicle equipment that would enable it to make sound safety-related decisions.

Following the introduction of S. 3059, the House Commerce Committee began consideration of H.R. 5164, the "Transportation Recall Enhancement, Accountability, and Documentation Act," also referred to as "T.R.E.A.D." While the House's bill does not appear to be entirely adequate to correct the current law, it does seek to accomplish similar objectives as S. 3059. Therefore, I was encouraged by the possibility of compromise prior to the conclusion of the 106th Congress. However, due to the limited amount of time remaining prior to the adjournment of this Congress, the differences of the House bill, and the unapproved actions taken by the Senate Appropriations Subcommittee on Transportation, I offer today a narrower version of S. 3059 that I hope that my colleagues would support.

Mr. President, I would like to outline what the new version of the bill would do:

Reporting requirements: The bill would direct the Secretary to collect additional safety-related information from manufacturers; specifically, it would mandate that the Secretary require manufacturers to collect and report new information about defects—including information about foreign recalls, but only to the extent that the information may assist in the identification of potential defects related to motor vehicle safety or failures to meet the federal motor vehicle safety standards. This information would include accidents or incidents, claims

data, warranty adjustment data, and other safety-related information. The method, manner and extent of the collection of this data would be determined through rulemaking by the Secretary.

Civil penalties: This legislation would increase the Motor Vehicle Safety chapter's maximum civil penalty from \$800,000 to \$15,000,000, and allow for the assessment of larger civil penalties for intentional and willful acts.

Criminal penalties: The Secretary would be authorized to assess criminal penalties for knowingly violating provisions of the Motor Vehicle Safety Act, which results in death or grievous bodily harm. This provision of the bill has been the subject of much discussion. Let me briefly describe what would be required for a manufacturer to be subject to criminal penalties under this section. The manufacturer, their officers or directors, would have to order, authorize, or ratify the introduction of a motor vehicle or motor vehicle equipment into interstate commerce while knowing that the motor vehicle or equipment violated federal safety standards, that violation created a serious danger of an accident that would result in death or serious injury, and death or such injury occurs. Let me be clear, the standard required under this provision is "actual knowledge." This provision is intended to provide the option of criminal penalties only in instances of conduct that are so egregious as to render civil penalties meaningless.

The inclusion of a criminal penalties provision has received support from the Secretary of Transportation, Jacques Nasser, who is the President and CEO of Ford Motor Company, and consumer groups such as Public Citizen. This type of penalty is not novel. Multiple agencies are authorized to assess criminal penalties, including, among others, the Department of Labor, the Consumer Product Safety Commission, the Food and Drug Administration, and the Environmental Protection Agency. This provision would authorize the Secretary, in conjunction with the U.S. Attorney General, to pursue criminal penalties against automobile manufacturers in instances where State governments may not have the resources to enforce their relevant law.

Updating safety standards: Finally, this bill would require NHTSA to upgrade the tire-safety standard for the first time in 30 years.

Regardless of whether the House or Senate version of the bill is enacted, the need for this legislation was triggered by the possibility that Ford and Bridgestone/Firestone may have had knowledge of a safety-related problem concerning the performance of certain tire models prior to the recall, but refrained from reporting even the possibility of a defect to NHTSA. Notwithstanding whether or not the manufacturers knew of the problem, the situation focused my attention, as well as the attention of my colleagues, to

flaws that exist in the reporting processes between manufacturers of motor vehicles and motor vehicle equipment, and NHTSA. S. 3059 would amend the Federal Motor Vehicle Safety Act to make it more difficult for manufacturers to knowingly conceal safety-related information from the Secretary of Transportation and increase the penalties for such unlawful conduct.

Under current law, manufacturers are not required to report to NHTSA either "claims data," which include personal injury or property damage claims that can be helpful early-warning indicators of potential threats to consumer safety, or overseas actions involving equipment and vehicles sold in the United States. Furthermore, should manufacturers fail to report safety-related information that is required by the Secretary, the maximum civil penalty allowable under the current law is a mere \$980,000. To put this in perspective, last year Ford Motor Company spent \$2.57 billion on advertising. Other than minor adjustments over the last two years, the maximum civil penalty has not been updated since its enactment, which means, at a minimum, if adjusted for inflation it should be five times that amount in the year 2000. Finally, the current law does not allow for the assessment of criminal penalties for particularly egregious conduct. The absence of criminal penalties coupled with a nominal maximum civil penalty creates an environment where meaningful enforcement is impossible commonplace. This bill would change that practice.

Mr. President, thus far, NHTSA has linked more than 100 deaths to the failures of Bridgestone/Firestone tires that are subject to the current recall. Each day it becomes more apparent that these deaths may have been avoided had NHTSA possessed vital safety-related information that the law does not currently require manufacturers to report. The legislation that I have introduced does not accomplish all of the needed reforms, but it is a positive step toward a more efficient exchange of safety-related information between the Secretary and manufacturers. Nevertheless, S. 3059 is being held up partly due to the influence of the automotive industry. The lives of American consumers are being placed at risk. We must act quickly to resolve the flaws in NHTSA's data-collection processes and prevent the recurrence of this crisis.

I express my deep disappointment that the "fix" is in from the special interests. This bill will be held and will not be passed by the Senate; it will be passed by the House. Guess what. We couldn't do anything. I hope the American people are well informed by the media and by those family members who have lost loved ones and by the public safety advocate who see what is happening here. It is not my proudest moment in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I thank the Senator from Arizona for his normal courtesy to me as manager of the bill that we are trying to bring up. I did not object on my own behalf and he knows that full well. But I do believe we all know what the situation is.

UNANIMOUS CONSENT REQUEST—
H.R. 4475

Mr. STEVENS. Mr. President, I ask consent that the Senate now proceed to the Transportation appropriations conference report, notwithstanding the receipt of the papers from the House.

I further ask consent that the conference report be considered under the following time agreement: 10 minutes for the chairman and ranking member of the Appropriations Committee; 10 minutes for the chairman and ranking member; of the appropriations subcommittee; and 15 minutes under the control of Senator MCCAIN.

I further ask consent that following the use or yielding back of time, the Senate proceed to vote on the adoption of the conference report, without any intervening action or debate.

Mr. MCCAIN. I object.

Mr. STEVENS. I thank the Senator for his normal courtesy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I will take 10 minutes in morning business while we are trying to work things out here on the floor.

Mr. STEVENS. Mr. President, will the Senator yield for just one moment?

Mr. WELLSTONE. I am pleased to yield.

Mr. STEVENS. For the purpose of managing the floor, would there be an objection if we extended morning business until 11 a.m.? The papers are not here on the Transportation appropriations bill.

EXTENSION OF MORNING
BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that morning business be extended to the hour of 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. REID. Will the Senator yield, just so I can enter into a colloquy with my friend?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. I say to Senator STEVENS, the problem we are having on this side, as I know you are having on your side

of the aisle, is whether there is going to be any votes this morning. Would you be able to determine that quickly from your leader, as to whether or not there is going to be a vote? We have a number of Senators, with the holiday coming up, with places to go. We need to know whether there is going to be a vote this morning.

Mr. STEVENS. I say with due respect to my friend—and despite words at times, he is my friend—I believe the Senator from Arizona would have to answer that. It is our intention, once the papers are here, to move to proceed to that conference report. That is not a debatable item. There would be a vote immediately. After that, the conference report would be before the Senate, I would ask for the yeas and nays, and it would be a matter of time, how much time the Senator from Arizona wishes to debate the bill.

I know of no other speakers.

Mr. REID. I have spoken to my friend from Arizona and there is no question he is going to want to speak for more than a half-hour or an hour.

Mr. STEVENS. I would expect that. I honor his right to do so. It would be my predilection that you should address that to the leader. The question is how late in the day would the Senator from Arizona finish his brief comments?

Mr. REID. If, in fact, he would finish today.

Mr. STEVENS. That is for the Senator from Arizona to determine.

Mr. REID. I guess my question to the Senator from Alaska is, if we do not vote on that, does the majority leader want us to vote on something else today? I hope in the next few minutes there could be a determination made as to whether or not, around 11 o'clock when we finish morning business, there will be a vote on something other than the Transportation appropriations bill.

Mr. STEVENS. I might say to my good friend from Nevada, and to the Senate as a whole, it has been my request to the leader that we proceed with appropriations bills and only appropriations bills so we can get them to the President. We have been doing that. We do have other appropriations bills on the move now. The Agriculture conference was finished last evening. I do not think we can get to that today. But I do believe we should try to finish the Transportation bill today if we can and take up Agriculture appropriations next week.

We have three other conferences that are going forward and we do, I understand, have an agreement now—nearly an agreement on how to handle the VA-HUD bill. So we should be voting on several bills early next week. But I do not know of any other bill that we can get before the Senate today in the form of a conference report. I do think we could handle the VA-HUD bill if we could round up that agreement. It is still waiting for one clearance. I doubt we will finish that one today. We should take that up early next week, however.

Mr. REID. It sounds to me it is fairly safe to assume there will not be any votes on appropriations bills today. As I said, I have spoken to my friend from Arizona.

Mr. MCCAIN. If my friend will yield, I am seeking agreement to take up this legislation on which American lives are at stake—not money but safety and lives of Americans. I am seeking an agreement to take that up. If we could get agreement to get that bill up, with relevant amendments, then I will be more than happy to not impede the work of the Senate.

I do not know of a higher priority than to take up legislation about a compelling issue that has to do with the lives of the American people. So I hope we could get an agreement to take up that legislation, either now or in the next several days. Then I would certainly remove my objections to proceeding with an appropriations bill. Apparently, that is not the case because there are “rolling holds” on this legislation. I think that is really quite remarkable.

Mr. STEVENS. Mr. President, as the Senator from Arizona knows, I am a member of the conference committee, and I support the legislation he mentions. But I also know portions of it are in this bill and were agreed to by the Transportation conference committee, and the matter he suggests is a leadership issue. I am in no position to negotiate on when the bill, that I also support, would come up. But I do believe our problem is trying to get this bill on its way. We cannot flood the White House with bills, appropriations bills, and expect to get answers in time.

We are trying to get them down day by day so we can get some timing and get some response. If the President wishes to veto them, we will have to come back and deal with those, too.

But we are trying to move this bill. This bill is ready to go. The Transportation bill is ready to go. It contains a portion of the bill the Senator from Arizona has mentioned—not all of it but a portion of it. It is not negative, but it is not totally positive.

I do believe the issue he reaches, whether or not the Senate will allow the consideration of the bill—that is under consideration now in the House—at any particular time, is a matter for the leader to determine, not for me. I would like to move forward with this Transportation bill. I urge my friend to allow us to do that because it is a significant bill, one of the most significant Transportation bills on which I have been privileged to work. It sets a new process for trying to reduce the increasing numbers of drunken drivers on our highways.

If there is a safety problem out there that is greater than the one the Senator from Arizona mentioned, it is alcohol. I do not want to see this bill delayed. I would like to see it get to the President. I am informed the President will sign it. I hope he will. We could get